



Judicial Council of California

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Subject Text

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File #: 20-187, Version: 1

Title

Rules and Forms | Family Law: Changes to Child Custody Evaluations Rule and Forms (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends amending one rule of court and adopting a new mandatory child custody evaluation report form to comply with recent statutory changes to Family Code section 3118. Effective January 1, 2021, Assembly Bill 1179 (Rubio; Stats. 2019, ch. 127) creates new requirements for the confidential written report that is filed with the court and served on the parties following a child custody evaluation, assessment, or investigation in which the court has determined that there is a serious allegation of child sexual abuse or an allegation of child abuse in any other circumstance. To comply with other requirements for Family Code section 3118 evaluations, the committee further recommends revising the order that appoints the child custody evaluator and adopting a new attachment that enumerates the rights and responsibilities of the evaluator.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend rule 5.220 to refer to the general requirements for evaluations under Family Code section 3118 and identify the new confidential report that the evaluator must use in these cases;
2. Revise *Order Appointing Child Custody Evaluator* (form FL-327) to indicate that there are additional orders that apply to evaluators appointed under Family Code section 3118 and to refer to the attachment with those additional orders, new proposed form FL-327(A);
3. Adopt *Additional Orders for Child Custody Evaluations Under Family Code Section 3118* (form FL-327(A)) as the mandatory attachment to form FL-327 that states the rights and responsibilities of the evaluator and includes further court orders; and
4. Adopt *Confidential Child Custody Evaluation Report* (form FL-329) to serve as the statutorily mandated form that is a standardized template for all information necessary to provide a full and complete analysis relating to a serious allegation of child sexual abuse or an allegation of child abuse in the proceeding under Family Code section 3118.